



Re: Fw: Park City Waterline -- Richardson Flat   
Mia Bearley to: johnflitton  
Cc: Maureen O'Reilly, Kathryn Hernandez

03/15/2010 07:47 AM

From: Mia Bearley/R8/USEPA/US  
To: johnflitton@me.com  
Cc: Maureen O'Reilly/R8/USEPA/US@EPA, Kathryn Hernandez/R8/USEPA/US@EPA

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Hello, I am the attorney for the Richardson Flat Site team.

Thank you for communicating your concerns. Approximately a week ago I called you at the number provided below and left a message with your receptionist. I just wanted to reiterate here our need to get a more precise sense of the geography related to your issue. Please find, attached, maps of the Lower Silver Creek "operable unit" of the Richardson Flats Site (I assume this is what you mean by the "Richardson Flat Area.") Getting oriented will be the first step in being able to address your concerns. Thanks.



Lower Silver Creek Project Boundary 07-03-2008.pdf

-----Original Message-----

From: John Flitton <johnflitton@me.com>  
Date: Wed, 03 Mar 2010 11:44:37  
To: <hernandez.kathryn@epa.gov>  
Subject: Park City Waterline -- Richardson Flat  
Please see attached letter.

John S. Flitton  
1840 Sun Peak Drive  
Suite B-102 Park City, UT 84098  
telephone 435 9400842 Facsimile 435 9400852

email: johnflitton@me.com

Please see attached letter.



Kathryn Hernandez Letter.pdf

## Flitton & Swensen

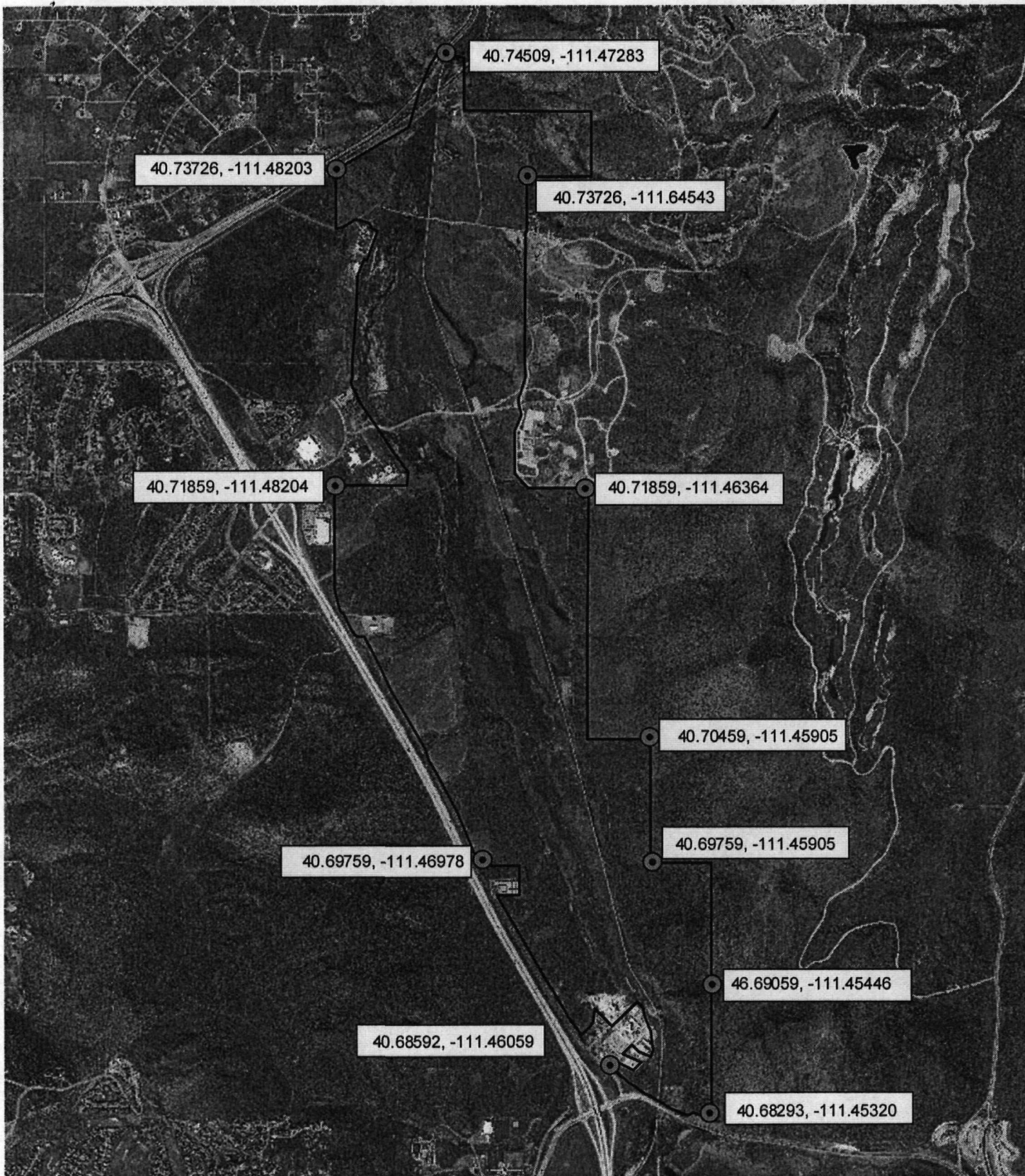
ATTORNEYS AND COUNSELORS AT LAW

John S. Flitton

1840 Sun Peak Drive  
Suite B-102 Park City, UT 84098  
telephone 435 9400842 Facsimile 435 9400852  
email: johnflitton@me.com



John S. Flitton.vcf

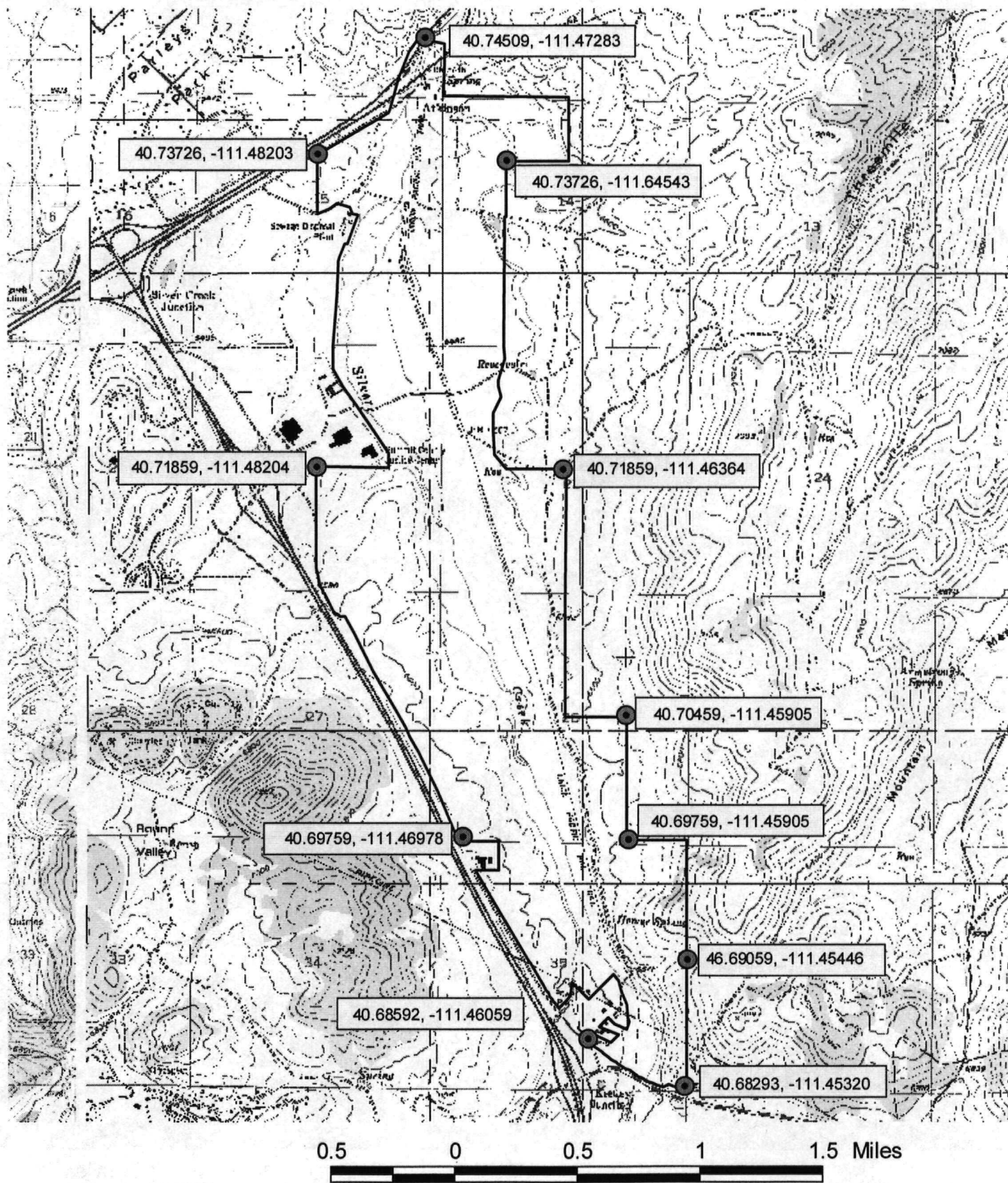


0.5 0 0.5 1 1.5 Miles

—— Project Boundary  
Coordinates are presented as  
Latitude, Longitude in decimal degrees

Lower Silver Creek Project Boundary  
Park City, UT





— Project Boundary  
 Coordinates are presented as  
 Latitude, Longitude in decimal degrees

Lower Silver Creek Project Boundary  
 Park City, UT





# Flitton & Swensen

ATTORNEYS AND COUNSELORS AT LAW

SUITE B-102 1840 SUN PEAK DRIVE  
TELEPHONE 435 9400842 PARK CITY, UT 84098  
FACSIMILE 435 9400852

JOHN S. FLITTON

March 2, 2010

Sent via email to: hernandez.kathryn@epa.gov

Kathryn Hernandez  
Environmental Scientist  
U.S. EPA Region 8 (EPR-SR)  
1595 Wynkoop Street  
Denver CO 80202-1129

Re: Park City Waterline Project  
Richardson Flats Area

Ms. Hernandez:

When we last spoke by telephone, I inquired about the status of the permitting and review process for the waterline construction proposed by Park City Municipal Corporation through contaminated soils near US Highway 40 in the Snyderville Basin, Utah. As you may recall, I am counsel for Summit Water Distribution Company ("Summit Water"), a Utah Public Water Supplier that delivers culinary water supply to many of the homes and businesses throughout the Snyderville Basin. Summit Water owns and operates water transmission lines in the area surrounding the construction alignment. In particular, Summit Water owns a main transmission line the will be crossed by the planned Park City water line. Accordingly, my client is vitally interested in permit conditions and procedures governing the trenching and backfill of the pipeline.

During our telephone conversation, you expressed concerns regarding the rapid progress of construction prior to sufficient and required testing being conducted at the site. My client shares those concerns and is alarmed by the apparent lack of public involvement and critical oversight by the State of Utah on this project. As you know, the water table throughout the contaminated area is high and the potential for leaching of hazardous substances is substantial. The heavy metals contained within the affected soils -- arsenic cadmium, copper, lead, mercury, silver, and zinc -- pose documented threats to human life and health. As I stated during our prior conversation, my client is concerned about the potential for hazardous substances to be carried along the Park City pipeline alignment and into Summit Water's trench.

Summit Water has substantial experience constructing waterlines in the Snyderville Basin. The company has installed approximately 100 miles of main transmission lines, not counting the numerous laterals and service connections, throughout all areas of the basin. Many of those pipelines have been constructed in areas, similar to the proposed Park City alignment, that have a high water table. First-hand experience has demonstrated that additional measures must be taken to ensure that the pipeline trench does not become a conduit for the flow of groundwater along the length of the alignment. An example of the problems created when conditions were not imposed requiring additional safeguards is the high volume of water carried along the entire length of the Snyderville Basin Water Reclamation District trunk line the extends from Park City to the Jeremy Ranch area of the Snyderville Basin. Substantial water flows through the pipeline alignment and has been identified as a source for pollutants entering the nearby creek. Water from the trunk line also flows into Summit Water pipeline trenches at the points of intersection. Without necessary oversight, public involvement and proper conditions, the Park City pipeline will have the same problems.

It appears that Park City is currently renewing construction activities at the site. Despite the concerns expressed in our discussions and assurances that proper conditions and monitoring would be imposed on the project, my client remains

EMAIL: johnflitton@mac.com

Kathryn Hernandez  
Environmental Scientist  
U.S. EPA Region 8 (EPR-SR)  
March 2, 2010  
Page 2 of 2

unsure of the permitting status of the project or the nature and extent of any conditions. Our individual efforts to gather information and participate in any dialogue have been frustrated and fruitless. When I have spoken with others in your office I have been referred to the Utah Department of Environmental Quality and by them to Park City's Environmental Officer. Attempts to meet with Park City to express concerns and discuss safeguards were eventually refused. Every request for information and answers ultimately leads us back to Park City Municipal. There is obviously something wrong with an oversight and permitting process apparently dictated by the permittee.

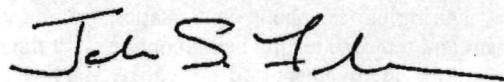
A recent review of the Summit County low impact permit file for the project does not contain any written authorization from EPA or the State of Utah conditioning or formally approving construction of the pipeline. The only documentation of either agency's involvement is Park City's summary of a conversation that took place between you and Todd Touchard. Apparently, that third-hand authorization constitutes approval of the project because Park City appears to have reinitiated its construction activities at the site within the past week.

Having been excluded from any meaningful participation in the permitting process, despite the significant potential that construction activities will negatively impact its adjacent water transmission line and system, my client is frustrated by the apparent disregard for its concerns and lack of participation that should have been afforded under regulations governing hazardous material sites and clean water.

Hopefully, in seeking your assistance, my client can have the opportunity to participate in the process and discuss impacts to its water system and measures to safeguard from potential future liability. I ask that you provide me information regarding the current permitting status for the project and any conditions that have been considered or imposed. As a first step, this will allow my client to be certain that it has the most current information for the project. Following receipt of that information, I would like to schedule a telephone call so that we may discuss specific concerns and safeguards.

My contact information is shown on the letterhead. You can also reach me on my cell phone if you have any questions or concerns. I appreciate your help and the willingness you have demonstrated on this project in the past to require that proper procedures are followed.

Very truly yours,

  
John S. Flitton

cc: Summit Water Distribution Company